

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 16, 2006
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Sally Fahrenthold, of Saint Paul Lutheran Church gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the May 9, 2006 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamation

Proclamation:

- See America Week

Mayor Mayans read aloud the proclamation.

Service Citation

Distinguished Service Citation-Deborah L. Hoskins.

Mayor Mayans recognized Deborah Hoskins for her 30 years and one month of service with the City of Wichita and presented her with a plaque.

Recognition

Recognition of Student Ambassadors to Cancun, Mexico.

Mayor Mayans recognized each of the eight students and presented them with a certificate and a City of Wichita label pin.

CONSENT AGENDA

Mayor Mayans

Mayor Mayans requested to delete item 10B from the agenda.

Motion--
--carried

Mayans moved that the consent agenda except for item 10B be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 15, 2006.

Bids were opened May 12, 2006, pursuant to advertisements published on

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications:

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Water Distribution System to serve Clifton Cove Addition -south of 53rd Street South, west of Hillside. (448-90081/735318/470989) Does not affect existing traffic. (District III)

McCullough Excavation - \$75,950.00

Forestview from the north line of Lot 39, Block A, Liberty Park 2nd, south to the south line of Lot 27, Block C, Liberty Park 3rd; Alderny and Alderny Circle from the east line of Forestview, east and south to and including the cul-de-sac; 10th Street North from the west line of Forestview, west to 135th Street West; Forestview Court (Lots 9 through 23, Block A, Liberty Park 2nd) from the east line of Forestview, east to and including the cul-de-sac; 10th North Court (Lots 43 through 49, Block A, Liberty Park 2nd) from the north line of 10th Street North to and including the cul-de-sac; 10th North Court (Lots 1 through 8, Block A, Liberty Park 3rd) from the south line of 10th Street North, south to and including the cul-de-sac; Alderny Court from the south line of Alderny, south to and including the cul-de-sac; Sidewalk on one side of Forestview, Alderny, and 10th Street North to serve Liberty Park 2nd & 3rd Additions - south of 13th Street North, west of 135th Street West. (472-83881/765985/490102) Does not affect existing traffic. (District V) - \$592,900

LaFarge North America - \$485,575.68

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

POLICE DEPARTMENT/TRAINING FIREARMS DIVISION: .40 Caliber Manufactured Ammunition.

Ultramax Ammunition - \$35,400.00* (Total Base Bid)

*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Joint & Crack Seal.

Deery American Corporation - \$59,800.00* (Total Base Bid)

*Estimate – Contract approved on unit cost basis.

FIRE DEPARTMENT/TRAINING DIVISION: Fire Hose.

Rubber Belting & Hose Industrial Supply - \$85,767.80 (Total Net Bid)

Motion-

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Jose L. Mejia	El Jalisco Restaurant*	627 East 47th Street
<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Roberto Beltran	Tacos Mexican Fast Food*	1930 East Pawnee

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

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Special Events

	<u>June 10, 2006</u>	
Delfino Morrillon Lienzo	Charro Sunda Rosa	2300 North Broadway
	<u>June 17, 2006</u>	
Joseph Patrick	Kansas Master Bar-B-Que Championship	Lawrence Dumont Stadium 300 South Sycamore
	<u>June 24, 2006</u>	
Delfino MorrillonLienzo	Charro Sunda Rosa	2300 North Broadway
	<u>July 8, 2006</u>	
Delfino MorrillonLienzo	Charro Sunda Rosa	2300 North Broadway

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) Parking Lot and Boat Ramp Improvements for Southlakes Fishing Lake - west of Seneca, north of 55th Street South. (472-84196/785048/785070/395180/395202) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$120,000
- b) Lateral 346 Four Mile Creek Sewer to serve Woodland Lakes Estates Addition - north of Harry, west of 127th Street East. (468-83589/744178/480866) Does not affect existing traffic. (District II) - \$80,000
- c) Lateral 385 Four Mile Creek Sewer to serve Timberlands Addition - north of Harry, west of 127th Street East. (468-84093/744179/480867) Does not affect existing traffic. (District II) - \$108,000
- d) 2006 Condemned Sidewalk and Wheelchair Ramps - north of 55th Street South, east of 135th Street West. (472-84407/132100/N/A) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, VI) - \$161,580.00
- e) Lateral 1, Main 23, Southwest Interceptor Sewer to serve Emerald Bay Estates Addition - north of 21st Street North, west of West Street. (468-84139/744170/480858) Does not affect existing traffic. (District V) - \$997,000
- f) Asphaltic Mat Pavement on Bolin Drive, from the east line of the plat, to West Street to serve Blue Lake Addition - north of MacArthur, west of West Street. (472-84078/765906/ 490019. Does not affect existing traffic. (District IV) - \$168,190
- g) 24th Street North from the east line of Lot 18, Block A, east to the east line of the plat; Quincy Circle from the north line of 24th Street North, north to and including the cul-de-sac; North Springdale Circle from the north line of 24th Street North, north to and including the cul-de-sac; North Springdale Circle from the south line of 24th Street North, south to and including the cul-de-sac; Sidewalk along one side of 24th Street North to serve Krug North 2nd Addition - north of 21st Street North, west of 143rd Street East. (472-84250/765988/ 490105) Does not affect existing traffic. (District II) - \$444,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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STMNT OF COSTS

STATEMENT OF COSTS:

- a) 2001 Bridge Design Program. Total Cost - \$108,692.33; (less idle fund interest - \$171.59, - plus temporary note financing - \$0; less KDOT reimbursements - \$18,570.74; less financing previously issued - \$20,000.00; less interfund transfers - \$60,000.00). Financing to be issued at this time - \$9,950.00. (706816/472-83373/201-282).
- b) Hillside from Kellogg to Central (Design). Total Cost - \$200,000.00; (less idle fund interest - \$830.71, plus temporary note financing - \$180.71; less financing previously issued - \$0; less interfund transfers - \$155,000.00). Financing to be issued at this time - \$44,350.00. (706820/472-83361/201-286).
- c) Central from Woodlawn to Rock Road (Design). Total Cost - \$128,114.39; (less idle fund interest - \$45.43, plus temporary note financing - \$181.04; less financing previously issued - \$0; less interfund transfers - \$100,000.00). Financing to be issued at this time - \$28,250.00. (706838/472-83506/202-304).
- d) 21st Street Bike Path from Maize Road to Ridge Road (Construction). Total Cost - \$431,984.59; (less idle fund interest - \$738.22.22, plus temporary note financing - \$1,579.86; less financing previously issued - \$50,000.00; less KDOT reimbursements - \$306,202.67; less interfund transfers - \$70,000.00). Financing to be issued at this time - \$8,100.00. (706843/472-83532/202-309).
- e) 29th Street North, from one-half mile east of Ridge Road to Hoover (Design). Total Cost - \$39,584.85; (plus idle fund interest - \$323.11, plus temporary note financing - \$242.04; less financing previously issued - \$0; less interfund transfers - \$25,000.00). Financing to be issued at this time - \$15,150.00. (706855/472-83753/203-321).
- f) Greenwich from 13th Street North to K-96 (Design). Total Cost - \$309,533.54; (plus idle fund interest - \$2,392.14, plus temporary note financing - \$2,824.32; less financing previously issued - \$0; less interfund transfers - \$100,000.00). Financing to be issued at this time - \$214,750.00. (706899/472-84004/204-365).

PARTIAL STATEMENTS OF COST:

- g) (Fourth Partial) Estimate of Cost for 29th Street North, Tyler to Ridge (Design) – Total Cost - \$146,000; less financing previously issued - \$121,000. Financing to be issued at this time - \$25,000. (706856/472-83751/203-322).
- h) (Third Partial) Estimate of Cost for McCormick Realignment (Construction) – Total Cost - \$165,500; less financing previously issued - \$123,000. Financing to be issued at this time - \$42,500. (706866/472-83831/203-332).
- i) (Fourth Partial) Estimate of Cost for Pawnee, Washington to Hydraulic (Construction) – Total Cost - \$1,139,000; less Federal to State reimbursements - \$0; less financing previously issued - \$439,900. Financing to be issued at this time - \$700,000. (706869/472-83858/204-335).
- j) (Third Partial) Estimate of Cost for Central Avenue, Woodlawn and Rock (Construction) – Total Cost - \$57,600; less Federal to State reimbursements - \$0; less financing previously issued - \$24,000. Financing to be issued at this time - \$33,600. (706872/472-83874/204-338).
- k) (Third Partial) Estimate of Cost for Hydraulic, 47th Street South and 57th Street South (Construction) – Total Cost - \$3,935,772; less KDOT reimbursements - \$2,751,772; less financing previously issued - \$1,054,000. Financing to be issued at this time - \$130,000. (706877/472-83902/204-343).

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- l) (First Partial) Estimate of Cost for the Intersection of Zoo Boulevard, Westdale and I-235 Freeway (Design) – Total Cost - \$235,800; less financing previously issued - \$0. Financing to be issued at this time - \$235,800. (706889/472-83986/204-355).
- m) (Third Partial) Estimate of Cost for Pawnee, 119th Street West and Maize (Design) – Total Cost - \$148,000; less financing previously issued - \$10,000. Financing to be issued at this time - \$48,000. (706891/472-84005/204-357).
- n) (First Partial) Estimate of Cost for MacArthur, Meridian and Seneca (Design) – Total Cost - \$138,600; less financing previously issued - \$50,000. Financing to be issued at this time - \$88,600. (706896/472-83996/204-362).
- o) (First Partial) Estimate of Cost for Harry and Longford Intersection (Construction) – Total Cost - \$168,000; less financing previously issued - \$15,000. Financing to be issued at this time - \$153,000. (706907/472-83998/204-373).
- p) (Third Partial) Estimate of Cost for Traffic Signalization Program (Construction) – Total Cost - \$522,000; less financing previously issued - \$320,000. Financing to be issued at this time - \$202,000. (706911/472-83991/204-377).
- q) (First Partial) Estimate of Cost for 13th, 135th Street West – Azure (Construction) – Total Cost - \$30,700; less Federal to State, County reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$30,700. (706913/472-84131/204-379).
- r) (First Partial) Estimate of Cost for ITS Traffic Study '05 (Construction) – Total Cost - \$63,000; less Federal to State, County reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$63,000. (706916/472-84119/205-382).
- s) (First Partial) Estimate of Cost for Intersection of Tyler and Yosemite (Construction) – Total Cost - \$249,640; less KDOT reimbursements - \$180,440; less financing previously issued - \$0. Financing to be issued at this time - \$69,200. (706917/472-84176/205-383).
- t) (First Partial) Estimate of Cost for Meridian, 31st Street South to Pawnee (Construction) – Total Cost - \$2,798,095; less KDOT reimbursements - \$2,099,395; less financing previously issued - \$0. Financing to be issued at this time - \$698,700. (706918/472-84175/205-384).
- u) (First Partial) Estimate of Cost for 29th Street North, 119th Street West to Maize Road (Construction) – Total Cost - \$60,000; less KDOT reimbursements - \$0; less financing previously issued - \$30,000. Financing to be issued at this time - \$30,000. (706919/472-84185/205-385).
- v) (First Partial) Estimate of Cost for 37th Street North, Tyler to Ridge (Construction) – Total Cost - \$50,800; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$50,800. (706920/472-84186/205-386).
- w) (First Partial) Estimate of Cost for Bike Path along I-135, Gypsum Creek and George Washington Boulevard from north of Pawnee to the Kansas Turnpike (Construction) – Total Cost - \$20,800; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$20,800. (706921/472-84194/205-387).
- x) (First Partial) Estimate of Cost for Hydraulic, 63rd Street South to 57th Street South (Construction) – Total Cost - \$1,305,600; less County reimbursements - \$500,000; less financing previously issued - \$0. Financing to be issued at this time - \$805,600. (706922/472-84118/205-388).
- y) (First Partial) Estimate of Cost for 21st North, Oliver to Woodlawn (Construction) – Total Cost - \$605,702; less KDOT reimbursements - \$405,702; less financing previously issued - \$0. Financing to be issued at this time - \$200,000. (706923/472-84235/205-389).

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- z) (First Partial) Estimate of Cost for Ridge at Maple Intersection (Construction) – Total Cost - \$24,300; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$24,300. (706927/472-84258/205-393).
- aa) (First Partial) Estimate of Cost for Greenwich, 13th Street North to 27th Street North (Construction) – Total Cost - \$1,286,058; less KDOT reimbursements - \$986,058; less financing previously issued - \$0. Financing to be issued at this time - \$300,000. (706929/472-84274/205-395).
- bb) (First Partial) Estimate of Cost for Boys and Girls Club (Jardine Drive) (Construction) – Total Cost - \$335,300; less financing previously issued - \$0. Financing to be issued at this time - \$335,300. (706930/472-84282/205-396).
- cc) (First Partial) Estimate of Cost for Pawnee, west of Palisade to Water Street (Construction) – Total Cost - \$19,400; less Federal to State reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$19,400. (706932/472-84283/205-398).
- dd) (First Partial) Estimate of Cost for 47th Street South between Meridian and Seneca (Construction) – Total Cost - \$36,900; less financing previously issued - \$0. Financing to be issued at this time - \$36,900. (706935/472-84296/205-401).
- ee) (First Partial) Estimate of Cost for 55th Street South at Broadway Intersection (Construction) – Total Cost - \$26,300; less financing previously issued - \$0. Financing to be issued at this time - \$26,300. (706936/472-84305/205-402).
- ff) (First Partial) Estimate of Cost for Central at Tyler Intersection (Construction) – Total Cost - \$13,100; less financing previously issued - \$0. Financing to be issued at this time - \$13,100. (706940/472-84311/205-406).
- gg) (First Partial) Estimate of Cost for Meridian between 47th Street South and 31st Street South (Construction) – Total Cost - \$37,800; less financing previously issued - \$0. Financing to be issued at this time - \$37,800. (706944/472-84302/205-410).
- hh) (First Partial) Estimate of Cost for Meridian between Pawnee and Orient (Construction) – Total Cost - \$19,100; less financing previously issued - \$0. Financing to be issued at this time - \$19,100. (706945/472-84309/205-411).
- ii) (First Partial) Estimate of Cost for Central at Oliver Intersection (Construction) – Total Cost - \$14,500; less financing previously issued - \$0. Financing to be issued at this time - \$14,500. (706950/472-84362/206-416).
- jj) (Eleventh Partial) Estimate of Cost for 1998/1999 Arterial Corridor Improvement Program (Construction) – Total Cost - \$1,759,700; less financing previously issued - \$1,725,000. Financing to be issued at this time - \$34,700. (706705/472-82932/208-224).
- kk) (First Partial) Estimate of Cost for Arkansas River Pedestrian Bridges over Arkansas and Little Arkansas River, north of First Street (Construction) – Total Cost - \$5,110,900; less KDOT reimbursements - \$589,800; less Federal to State reimbursements - \$2,207,900; less financing previously issued - \$0. Financing to be issued at this time - \$2,313,200. (715691/472-83416/242-107).
- ll) (First Partial) Estimate of Cost for 25th Street North from I-235 to West Street (Floodway Bridge Crossing) (Construction) – Total Cost - \$76,500; less financing previously issued - \$0. Financing to be issued at this time - \$76,500. (715692/472-83628/242-108).

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- mm) (Third Partial) Estimate of Cost for 13th Street Bridge at Cowskin Creek (Construction) – Total Cost - \$2,015,099; less KDOT reimbursements - \$1,214,281; less financing previously issued - \$612,818. Financing to be issued at this time - \$188,000. (751697/472-83851/244-113).
- nn) (Second Partial) Estimate of Cost for Murdock Bridge at Little Arkansas River (Construction) – Total Cost - \$1,601,978; less KDOT reimbursements - \$1,078,478; less financing previously issued - \$330,000. Financing to be issued at this time - \$193,500. (715698/472-83895/244-114).
- oo) (Third Partial) Estimate of Cost for 21st Street Bridge at St. Francis (Construction) – Total Cost - \$568,977; less KDOT reimbursements - \$394,277; less financing previously issued - \$13,000. Financing to be issued at this time - \$161,700. (715699/472-83933/244-115).
- pp) (Seventh Partial) Estimate of Cost for Arkansas Riverbank Improvements – River Corridor (Construction) – Total Cost - \$12,618,000; less Federal to State reimbursements - \$0; less financing previously issued - \$4,629,000. Financing to be issued at this time - \$7,989,000. (706556/472-82799/405-209).

AMENDED PARTIAL STATEMENTS OF COST

- qq) (Second Partial) Estimate of Cost for Douglas at Oliver Intersection (Design) – Total Cost - \$36,000; less financing previously issued - \$11,000. Financing to be issued at this time - \$25,000. (706853/472-83755/203-319).
- rr) (First Partial) Estimate of Cost for 29th Street North, one-half mile east of Ridge to West Street (Design) – Total Cost - \$39,700; less financing previously issued - \$25,000. Financing to be issued at this time - \$14,700. (706855/472-83753/203-321).
- ss) (Second Partial) Estimate of Cost for Central, Oliver to Woodlawn (Construction) – Total Cost - \$126,500; less financing previously issued - \$85,000. Financing to be issued at this time - \$41,500. (706862/472-83754/203-328).
- tt) (Third Partial) Estimate of Cost for Hillside, from Kellogg to Central (Construction) – Total Cost - \$557,139; less Federal to State reimbursements - \$0; less financing previously issued - \$401,439. Financing to be issued at this time - \$155,700. (706867/472-83862/204-333).
- uu) (Second Partial) Estimate of Cost for Central, Oliver and Woodlawn (Construction) – Total Cost - \$192,600; less KDOT reimbursements - \$0; less financing previously issued - \$99,000. Financing to be issued at this time - \$93,600. (706871/472-83873/204-337).
- vv) (First Partial) Estimate of Cost for Maple and Ridge Intersection (Construction) – Total Cost - \$59,000; less financing previously issued - \$48,500. Financing to be issued at this time - \$10,500. (706882/472-83856/204-348).
- ww) (First Partial) Estimate of Cost for West Street, Maple to Central (Design) – Total Cost - \$115,400; less financing previously issued - \$20,000. Financing to be issued at this time - \$95,400. (706890/472-83997/204-356).
- xx) (First Partial) Estimate of Cost for Oliver, Harry to Kellogg (Design) – Total Cost - \$94,500; less financing previously issued - \$50,000. Financing to be issued at this time - \$44,500. (706895/472-84018/204-361).
- yy) (First Partial) Estimate of Cost for Harry, K-42 Highway and Meridian (Design) – Total Cost - \$387,000; less financing previously issued - \$20,000. Financing to be issued at this time - \$367,000. (706900/472-84001/204-366).

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- zz) (First Partial) Estimate of Cost for 17th Street, Broadway and I-135 Freeway (Design) – Total Cost - \$76,400; less financing previously issued - \$25,000. Financing to be issued at this time - \$51,400. (706903/472-84014/204-369).
- aaa) (First Partial) Estimate of Cost for 29th Street between Tyler and Ridge (Construction) – Total Cost 1,047,493; less KDOT reimbursements - \$234,493; less financing previously issued - \$13,000. Financing to be issued at this time - \$800,000. (706914/472-83903/204-380).
- bbb) (First Partial) Estimate of Cost for 2005 Arterial Sidewalk and Wheelchair Ramp Program (Construction) – Total Cost - \$207,900; less financing previously issued - \$100,000. Financing to be issued at this time - \$107,900. (706915/472-84142/205-381).
- ccc) (First Partial) Estimate of Cost for Oliver Bridge at Gyp Creek (Design) – Total Cost - \$174,614; less KDOT reimbursements - \$87,614; less financing previously issued - \$0. Financing to be issued at this time - \$87,000. (715703/472-84184/245-119).

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

PETITION

RENOVATE BUILDING FACADE AT 105 SOUTH BROADWAY, SOUTHWEST CORNER OF DOUGLAS AND BROADWAY. (DISTRICT I)

Agenda Report No. 06-0510

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided to owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. Buildings, such as this, that is four stories or higher is not limited to two facades but is not eligible for the forgivable loan. The owner of a building located at 105 S. Broadway has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

The project has received approval of the Design Council and the Design Review Committee of the Historic Preservation Board.

The building is known as the Broadway Plaza Building. The facade project will repair the masonry exterior and replace the windows and doors. The street level storefront will be restored to its original appearance.

The project budget is \$500,000 with the total paid by special assessments. Under the high-rise component of the Facade Program regulations, the building is not eligible for a forgivable loan.

State Statutes provide the City Council authority to use special assessment funding for the project. The Facade Easement has been approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted; the Facade Easement approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-222

Resolution of findings of advisability and resolution authorizing construction OF FAÇADE IMPROVEMENTS AT 105 South Broadway (south of Douglas, west of Broadway) 472-84411, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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STREET CLOSURE CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 06-0511

In accordance with the Community Events Procedure, the event promoter is working with Lawrence-Dumont Stadium and is coordinating arrangements with Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Kansas Masters BBQ Championship, June 16, 2006 10:00 am through June 17, 2006 6:00 pm.
§ 500 Block of West Maple Street between McLean and Sycamore Street, not including intersections.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion-- Mayans moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 7 to 0.

--carried

CLAIMS REPORT ON CLAIMS ALLOWED FOR APRIL 2006:

<u>Name of Claimant</u>	<u>Amount</u>
Brown, Carolyn	\$1,587.56
Coble, Jerry & Shirley	\$4,607.10
Unrein, Erika	\$966.04

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

CONDEMN AWARD PAYMENT OF CONDEMNATION AWARD (CASE NO. 05 CV 3575)-CENTRAL, WOODLAWN TO ROCK ROAD PROJECT. (DISTRICT II)

Agenda Report No. 06-0512

The City has identified the need to acquire a portion of the tract of land located at the northeast corner of Woodlawn and Central in connection with improvements to Central Avenue from Woodlawn to Rock Road. This property is owned by ROG, Inc. and is improved with a gas station. Earlier this year the City initiated eminent domain proceedings to acquire this property. On April 26, 2006, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the property to be \$57,000.00. The court awarded the three appraisers fees in the amount of \$16,500.00. Court costs are \$111.

In order for the City to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before May 26, 2006.

The costs of acquiring these properties will be paid from project funds.

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The City has until May 26, 2006, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion--

Mayans moved that the payment to the Clerk of the District Court in the amount of \$73,611.00 for acquisition of property interests condemned in Case No. 05 CV 3575 be authorized. Motion carried 7 to 0.

--carried

S.O.D.

ROLLER SKATING FOR SUMMER OF DISCOVERY.

Agenda Report No. 06-0513

Summer of Discovery (SOD) is a weekly summer camp program offered for children ages 6-13. Camp is conducted at nine of the Recreation Centers and provides weekly summer activities for approximately 500-550 campers during the 10-week program. Camp hours are from 7:00 AM to 6:00 PM. Some of the exciting aspects of the SOD program are the weekly field trips, of which, roller-skating is one of the most popular.

A request for proposal (RFP 6000238) to provide roller skating services for the Summer of Discovery program was issued earlier this year. The RFP was sent out to four (4) roller skating service providers. Only one provider responded to the RFP. The proposal submitted by Roller City Skating Center meets the RFP criteria in terms of facility qualifications, experience providing roller skating services, references, and admission fees.

The SOD program has sufficient funding for roller skating services needed for the program.

The Law Department has reviewed and approved the contract as to form. The contract will be for one (1) year with annual renewal options for an additional two (2) years.

Motion--

Mayans moved that the selection of the Roller City Skating Rink be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

FOOD SERVICE

RENEWAL OF FOOD SERVICE ESTABLISHMENT INSPECTION CONTRACT WITH THE KANSAS DEPARTMENT OF AGRICULTURE.

Agenda Report No. 06-0514

The Environmental Services Department conducts inspections of food service establishments within Wichita and Sedgwick County on behalf of the Kansas Department of Agriculture and the Kansas Department of Health and Environment. KDHE licenses most restaurants and other food service establishments, while KDA licenses food service operations in retail grocery stores (delicatessens, salad bars, convenience store ready-to-eat food, etc.) Local staff enforces state regulations and utilize state enforcement mechanisms as appropriate. KDA and KDHE remit eighty percent of license revenue (as established by Kansas statute) to the City, and provide enforcement assistance and training for local staff. KDA has proposed renewal of their contract for state fiscal year 2007. (The Council previously approved renewal of the KDHE contract, on May 9th.)

Contract inspections by local entities reduce duplication of effort, provide a single source of contact for industry and citizens, and contribute substantially to local food protection budgets. The use of Kansas's regulations and enforcement procedures promotes consistency with other jurisdictions within the state.

Staff estimates the value of this contract at approximately \$ 41,000 annually. The recently approved KDHE contract will yield an additional \$ 320,000 annually, and approximately \$42,000 is projected from the sale of City grocery and food processor licenses.

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The requested approval supports the "Safe and Secure Community" goal by improving environmental health and community safety. Inspection, education, and enforcement actions under the contract reduce the risk of food borne illness.

The Department of Law has approved the contract as to form.

Motion--
--carried

Mayans moved that the contract with the Kansas Department of Agriculture be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

EASEMENT FOR THE INTEGRATED LOCAL WATER SUPPLY PLAN. (HARVEY COUNTY)

Agenda Report No. 06-0515

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000, City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well or recharge basins. This is the last easement to be acquired within this phase of the project. This specific site consists of a 30-foot-by-1, 464-foot pipeline easement along the western portion of the subject property. The property owner has agreed to convey said easement and temporary construction easement for the offered value of \$4,500, or \$0.10 per square foot.

A budget of \$5,000 is requested; this includes \$4,500 for acquisition and \$500 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and easements be approved and the necessary signatures authorized. Motion carried 7 to 0.

(Item 10B) PROPERTY ACQ.

3511 EAST BELLAIRE FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

(This item was deleted off of the agenda)

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PROPERTY ACQ. PART OF 1600 WEST PAWNEE, IMPROVEMENT PROJECT FROM SENECA TO MERIDIAN. (DISTRICT IV)

Agenda Report No. 06-0517

On January 10, 2006, City Council approved a project to improve Pawnee between Meridian and Seneca. The improvement plans require the partial acquisition of a residential tract at 1600 West Pawnee. The project requires the south 15.30 feet of the site, encompassing 1,010 square feet. The project will also require the removal of a large tree.

The owner has agreed to accept a negotiated settlement of \$8,100. This included \$1,000 for the land, \$5,000 for the tree and \$2,100 for proximity damages to the remainder of the property. The improvements will not be physically impacted by this acquisition.

The funding source for the City share of the project is General Obligation Bonds. A budget of \$8,300 is requested. This includes \$8,100 for the acquisition, and \$200 for closing costs and title insurance.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

WEAPONS DESTRUC WEAPONS DESTRUCTION.

Agenda Report No. 06-0518

The Police Department has requested authorization to destroy several weapons, which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided as Exhibit A – 39 long guns and 130 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion--carried

Mayans moved that the list of weapons be received and filed. Motion carried 7 to 0.

ORDINANCES SECOND READING ORDINANCES: (FIRST READ MAY 9, 2006)

a) Abatement of dangerous and unsafe Structures. (Districts I, III, IV)

ORDINANCE NO. 47-024

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- b) DER2006-00005 - Proposed Unified Zoning Code Text Amendments to define “farmer’s markets,” specify supplementary use regulations for farmer’s markets, and add farmer’s markets as an allowable use in the “LC” Limited Commercial, “OW” Office Warehouse, “GC” General Commercial, “IP” Industrial Park, “CBD” Central Business District, “LI” Limited Industrial, and “GI” General Industrial Zoning Districts

ORDINANCE NO. 47-025

An Ordinance providing amendments to Section II-b.4, Section III-b.14.b (3), Section III-b.15.b (3), Section III-b.16.b (3), Section III-b.17.b (3), Section III-b.18.b (3), Section iii-b.19.b (3), Section iii-b.20.b (3), Section III-d use regulations schedule; and adding Section III-d.6.jj of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance no. 44-975, dealing with farmer’s markets in the City, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) Proposed adoption of licensing regulations for Farmer’s Markets – New Chapter 3.94 of the Code of the City of Wichita.

ORDINANCE NO. 47-026

An Ordinance creating new Chapter 3.94 of the Code of the City of Wichita, Kansas, pertaining to organized farmer’s markets, and the temporary or intermittent sales of certain agricultural products, produce and merchandise at such farmer’s markets within the City, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- d) Ordinance Section 1. Section 3.10.010, Created to establish a process for permitting community events.

ORDINANCE NO. 47-027

An Ordinance creating Chapter 3.10 of the Code of the City of Wichita, Kansas, pertaining to community events, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- e) Ordinance Amendments to Sections 9.04.030, 9.04.040, 9.04.080, 9.04.190, regarding community events in City Parks.

ORDINANCE NO. 47-028

An Ordinance amending Sections 9.04.030, 9.04.040, 9.04.080, 9.04.180 and 9.04.190 of the Code of the City of Wichita, Kansas, pertaining to conduct in parks and repealing the originals of 9.04.030, 9.04.040, 9.04.080, 9.04.180, and 9.04.190, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- f) Ordinance Amendments to Sections 10.04.130, regarding street usage to allow obstructions associated with approved community events.

ORDINANCE NO. 47-029

An Ordinance amending Section 10.04.130 of the Code of the City of Wichita, Kansas, pertaining to obstructing streets and sidewalks and repealing the originals of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- g) Ordinance Amendments to Sections 7.41.030 and Creating 7.41.042, 7.41.045 and 7.42.043, relating to noise and authorization to utilize sound amplification equipment.

ORDINANCE NO. 47-030

An Ordinance amending Section 7.41.030, creating Sections 7.41.042, 7.41.043 and 7.41.045, of the Code of the City of Wichita, Kansas, pertaining to noise, and repealing the original of Section 7.41.030, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- h) DR2005-18: South Central Neighborhood Plan. (Districts I and III)

ORDINANCE NO. 47-033

An Ordinance adopting the South Central Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- i) ZON2006-00009-generally located approximately 900 feet south of Central on the west side of Tyler Road. (District V)

ORDINANCE NO. 47-034

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- j) A06-09R-generally located northwest of the intersection at 21st Street North and 135th Street West. (District V)

ORDINANCE NO. 47-035

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-09)

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k) A06-12R-generally located southwest of 135th Street West and 21st Street North. (District V)

ORDINANCE NO. 47-036

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-12)

NEW BUSINESS

NORRIS ENTERPRISE PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, NORRIS E-ENTERPRISES, . (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report 06-0519

Norris E-Enterprises, LLC, (Norris E-Enterprises) is requesting the issuance of a one-year letter of intent for Industrial Revenue Bonds (IRBs) in an amount not to exceed \$3,725,000. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a new warehouse and corporate headquarters facility to be leased to Norris E-Enterprises, LLC. Norris E-Enterprises is also requesting the City Council's approval of a 95% five-year tax exemption on bond-financed property and a second five-year exemption upon City Council approval. The new facility will be located at the intersection of 39th Street North and Toben in the Comotara Industrial Park in northeast Wichita.

Norris E-Enterprises, LLC, is a related real estate holding company which provides office and warehouse facilities for the following entities:

iFurn.com Inc. - which stocks and sells home and office furniture wholesale, to the public and to the government online at iFurn.com

Pain Relievers Inc. – stocks and sells medical products wholesale and to the public online at PainReliever.com

Lifetime Jewelry LLC. – a new company that will sell jewelry to the public online at Lifetime-Jewelry.com

BullsEye Profit LLC. – a new company which will create software for use in BullsEye Marketing

Networx Distribution LLC. – a new company which will handle nationwide distribution services for CustomHouse Cabinetry

BullsEye Marketing LLC. – a new company which will provide online advertising services for the websites referenced above.

HotRapps – Manufactures, stocks, distributes for wholesale, and sells to the public online at PainReliever.com a microwaveable heating device.

Norris E-Enterprises proposes to build a new 22,000 s.f. Warehouse facility and 13,000 s.f. of office space to be located in the area of at the intersection of 39th Street North and Toben in the Comotara Industrial Park in northeast Wichita. Norris E-Enterprises currently employs 28 people and plans to add 30 new jobs over a five-year period, at an average wage of \$39,040 per year. Average wages in 2004 for businesses that are engaged principally in Internet sales (NAICS 454) was \$30,379.

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An analysis of the uses of project funds is:

Building and Site Improvements	\$3,260,000
Architects and Engineers	190,000
Furniture & Equipment	175,000
Contingency and Costs of Issuance	<u>100,000</u>
Total Cost of Project:	\$3,725,000

The firm Kutak Rock, LLP will serve as bond counsel in the transaction. The Company plans to privately place the bonds with a financial institution with which it has an established banking relationship. The Company agrees to comply with the City's requirements contained in the Standard Letter of Intent Conditions. The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City	1.72 to one
County	1.30 to one
USD 375	1.18 to one
State	6.01 to one

The Company agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Economic Development Incentive Policy, based on job creation and capital investment, the Company qualifies for a 95% five-plus-five-year tax exemption on real property purchased with bond proceeds, and a five-year exemption on personal property.

The estimated first year's taxes on Norris E-Enterprises' proposed \$3,725,000 expansion would be \$99,067 on real property improvements and \$4,253 on personal property, based on the 2005 mill levy. Using the allowable tax exemption of 95 percent, the City would be exempting (for the first year) \$94,114 of new taxes from the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$26,023; County/State - \$24,685; and USD 375 - \$43,407.

In addition, the project will qualify for a sales tax exemption on bond-financed purchases. The estimated amount of exempted sales taxes is \$118,990, including \$102,690 state sales tax and \$16,300 county sales tax.

Bond documents needed for the issuance of bonds will be prepared by bond counsel, Kutak Rock, LLP. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the public hearing be closed; a Letter of Intent to Norris E-Enterprises, LLC, for Industrial Revenue Bonds in an amount not-to-exceed \$3,725,000, subject to the Standard Letter of Intent Conditions, for a term of one-year, approve a 95% tax abatement on all bond-financed property for an initial five-year period plus an additional five years following City Council review be approved and the application for a sales tax exemption on bond-financed property authorized. Motion carried 7 to 0.

--carried

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WIRELESS DATA

CITY OF WICHITA, SEDGWICK COUNTY, USD 259 AND WESTAR ENERGY WIRELESS DATA NETWORK.

Agenda Report No. 06-0520

Mitch Blackburn

Systems Analyst for IT/IS Department reviewed the item.

In February of 2005, the IT/IS Department received City Council approval (Agenda Report No. 05-0101) to hire CSC and authorize the funds to proceed with Phase 1 of the contract to conduct an engineering design study for a wireless network.

As stated in the Agenda Report from February of 2005, the wireless network will benefit the members of a consortium consisting of the City of Wichita, Sedgwick County, USD 259 and Westar Energy. The study assessed both the needs and resources of each of the Wichita Wireless Network Consortium (WWNC) participants.

CSC conducted interviews with each respective user and inspected each agency's vehicles. The final process in the study was to conduct site surveys to determine administration and security criteria, line of sight reference, distance factoring, spectrum analysis, bandwidth determinations, antenna placement and mounting equipment.

CSC completed this study in June 2005, and issued a final system design in July. The design recommended eight (8) backbone sites, twenty-five (25) cell extender sites, sixty-three (63) fixed subscriber sites, and mobile bandwidth capable of servicing over fifteen hundred (1500) vehicles. CSC proposed Worldwide Interoperability of Microwave Access (WiMax - IEEE 802.16e), a TCP/IP standards-based wireless technology as the choice in provision of a wireless broadband solution to WWNC's request.

This network was planned for use by only consortium partners for their business needs. It is not the intent of the consortium to sell service in a "for profit" endeavor that would compete with commercial telecommunications providers. It is recommended the City pursue building the wireless network for the following reasons:

1. **Emergency Response:** The City has been discussing the implementation of Automatic Vehicle Location (AVL) technology for tracking, which would allow for the monitoring of vehicles in real-time fashion. This would permit a more efficient means of dispatching vehicles in the event of an emergency response situation.
2. **Security:** The tracking and monitoring of vehicles would also provide City employees with an added safety feature should they become involved in a vehicle breakdown or accident, or should an employee encounter a situation whereupon their personal safety is put to risk.
3. **Record Access:** Many City employees who predominantly work outdoors, are in need of recorded information saved in a file located in their departments' records system. Allowing these employees access to their files would drastically reduce the time involved for receipt of that data, thus allowing for a more efficient delivery of service to the general public. Conversely, employees could generate data from the field to be saved to those same files, allowing for a more efficient record keeping system.
4. **Increase Productivity:** Providing wireless connectivity to business applications to field staff allows staff to begin work in the field earlier in the day and remain in the field for a longer period. As an example, the use of wireless technology has helped Office of Central Inspection inspectors begin their inspections 30 minutes earlier in the morning and remain for an additional 30 minutes in the evening. For 36 inspectors that roughly translates to 36 man-hours of increased productivity a day.
5. **Cost Savings:** The IT/IS department currently services sixty-nine (69) outlying facilities with network connections, through either a T1 or an ISDN connection. Providing a wireless network connection to sixty-three (63) of these facilities would save IT/IS approximately \$90,000 per year.

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6. Interoperability of Government and Local Organizations: In 2005, the Wichita-Sedgwick County region suffered a severe ice storm, which affected many businesses and residences. The creation of the wireless network would allow for the interoperability of government agencies and organizations to easily communicate with each other should the need arise. This level of communication would be established only on an as needed basis.

This matter has been reviewed and approved by the IT/IS Advisory Board.

The City has identified several funding sources for the network build-out: From the Federal Highway Administration (FHWA) are two Intelligent Transportation System (ITS) grants totaling \$1,639,686; from the Federal Metro Urban Surface Transportation Program Fund there is a grant for \$770,000; and from the Federal Transit Administration (FTA) are two Automatic Vehicle Location (AVL) grants totaling \$623,742. Matching funds having been identified from the IT/IS Department operating budget and the Equipment Replacement Fund totaling \$672,879. These combine to a total of \$3,706,307.

The cost to perform the initial system design, which has been completed, was \$300,000. The cost for the build-out of the core system, which entails the backbone infrastructure, 63 fixed subscriber sites, and 150 mobile subscribers, is \$2,552,977. This leaves additional funding of \$853,330 to be used for any contingencies during the build-out including additional mobile subscribers and contract supplements for Davis-Bacon compliance.

A contract for the provision of a high capacity network communication system, capable of supporting various data, voice and digital image applications, to both fixed-location and mobile subscribers has been negotiated with Computer Sciences Corporation (CSC) by IT/IS, Purchasing, and Law. As a high technology item, this contract is exempt the requirement of public bidding under City Code 2.64.020(g). This project exceeds that minimum requirement as it was submitted for competitive proposals to cover both the design and build-out phases when initially conceived. The Interlocal Cooperative Agreement and the Memorandum of Understanding have been negotiated with all participants by IT/IS and Law. This latter agreement between the participants requires Attorney General approval before it is effective, and the parties' see no impediment to that approval.

- | | |
|------------------------|--|
| Mayor Mayans | Mayor Mayans inquired whether anyone wished to be heard and no one appeared. |
| Mayor Mayans | Mayor Mayans asked what kind of approval is needed from the Attorney General's office. |
| Gary Rebenstorf | Director of Law explained that by state statute, the Inter-local Agreements requires approval by the Attorney General. |
| Council Member Fearey | Council Member Fearey stated that she is always in support of doing whatever we can to be more productive for the citizens of this City. Stated that she is not ready to support this today and that there are communities that are doing this and outsourcing it and communities that are building it as a utility and these communities are using this in one aspect as a way to get internet service to low income neighborhoods. Stated that it has been over a year since we first started discussions on this and it is a big policy decision for our community and she is not ready to support what we have here today. |
| Council Member Martz | Council Member Martz stated that he is having struggles with the contract and does not understand some of the numbers. Stated that he does not feel comfortable with this and is concerned about maintaining security for the City and does not want to do anything that is going to jeopardize that. Stated that OCI is doing something that is improving the ability to work and does not know why we cannot continue doing something like that instead of spending a large amount of money for a whole new system. Stated that he does not believe that the City should be in competition with the private industry. Stated that he cannot support this program at this time. |
| Council Member Schlapp | Council Member Schlapp stated that she also has concerns with this and when looking at the financial portion of this, she is not so sure if that grant could not be used in a way that might be more supportive with the security of the City and thinks we need to investigate that grant. Stated that she is extremely uncomfortable with the cost benefit of doing this. |

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Council Member Brewer Council Member Brewer stated that we are depending quite a bit on grants and they are pretty comfortable that we would get the first grant but there is a possibility that we would not get the second grant. Stated that we by the time we get certain technology implemented it is outdated and we are not making any ground regarding that and that he has concerns with whether the technology is up to date and whether we have done the cost analyst and to let the Council look at some of the numbers if we were to go outside and what someone else may have to offer as opposed to us making this up-front investment. Stated that he has concerns about that particular portion of this project.

Council Member Gray Council Member Gray stated that we could probably go out to the market place and purchase this off the shelf from a provider. Stated that we are already using provider services for 71 units and we would have to get rid of that and feels that ultimately he would rather put the risk on them to make an investment of assuming that the technology is going to be viable for a long term and if that product becomes expensive, they could spread that cost out to multiple users because they have the opportunity to sell that service, whereas we would not the opportunity to sell the service because it is not in the best interest of our community that we compete with private industries. Stated that the hardware costs of adding computers were not included in these numbers. Stated that this is not a bottom line cost and feels that this is not the proper time to do this.

No motion was made.

Mayor Mayans Mayor Mayans stated that the issue died due to lack of a motion.

STORM DRAIN

STORM DRAIN ALONG WATERMAN STREET BETWEEN THE ARKANSAS RIVER AND MAIN STREET. (DISTRICT I)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 06-0521

The construction of the downtown sports arena will necessitate the installation of a storm water drainage system for the immediate arena area. An opportunity exists to improve drainage within the surrounding central business district by enlarging the project. The work consists of the construction of a large concrete box culvert in Waterman Street between the Arkansas River and Commerce Street. A waterline will also need to be constructed. It is proposed that the County's lead local engineering consultant on the sports arena, Professional Engineering Consultants (PEC), be used for the preparation of construction plans. PEC is also under contract with the City to design a large waterline project in the area.

The Waterwalk project will be re-aligning Lewis to connect to Waterman. The 9' by 5' box storm water drain needs to be installed along with the proposed 48" waterline prior to this paving. Because of the size of the Waterman Street box culvert and the existing condition of the pavement, the remaining section of Waterman should be completely removed and replaced. Construction is planned to begin this summer to build the storm drain from the Arkansas River to Main Street. The remaining portion of the project will be let later this year as Phase II.

Funding in the amount of \$1,500,000 is requested at this time for the cost of storm water drain construction through the Water Walk development, from the Arkansas River to Main Street. The funding source is General Obligation bonds. Funding is available from the Downtown Parking/Street Improvement project contained in the current Capital Improvement Program, which includes a total of \$4,500,000 available funding through 2008. The project will be returned to the Council later this year for funding authorization to extend the storm drain, waterline and paving from Main Street to Washington. Funding for the Lewis Street realignment through Water Walk, as well as for the 48" waterline construction was previously approved.

The Law Department has approved the authorizing Resolution as to legal form.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the project be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-223

A Resolution authorizing the issuance of bonds by the City of Wichita at Large to construct a storm water drain along Waterman Street, between the Arkansas River and Commerce Street (468-84167), presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

INDIGENT SERVICE CONTRACT FOR INDIGENT DEFENSE SERVICES.

Kay Gales

Municipal Court Administrator reviewed the item.

(Council Member Brewer momentarily absent)

Agenda Report No. 06-0522

The City is required to provide legal defense to person's accused of a crime when they cannot afford to hire a private attorney. By ordinance, the Administrative Judge has the authority to maintain a list of qualified attorneys who will be assigned cases at a fee set by the ordinance. Additionally, the court is allowed by ordinance 1.04.210 to contract with attorneys to provide all indigent defense services subject to Administrative Regulation 7d. For the past nine years the Court has provided indigent defense services contractually. In the Year 2005, the services of appointed legal counsel were provided in approximately 7,000 cases for approximately 5,000 defendants.

Recently the Court requested proposals from the legal community to represent indigent defendants. Three responses to the proposal were received. In accordance with Administrative Regulation 1.2 a staff screening and selection committee was formed to evaluate the responses and to select a vendor to provide the indigent defense services. The screening committee selected Maughan Hitchcock LC Law Firm to provide these services.

A minimum of three defense attorneys will provide indigent defense services five days per week. This five-day workweek will allow for integration of public defender cases with the regular Municipal Court case dockets excluding the first Fridays of the month and regular holidays. This service will also be provided to the indigent clients housed in the Sedgwick County Detention Facility with Municipal Court charges, and a defense attorney will be a "team-member" of the Drug Court Diversion Program. Additionally, the attorneys will meet with indigent defendants in their office located at 200 West Douglas, Suite 350. The indigent defense attorney will be available in person and by telephone to answer questions and discuss their clients' cases.

The 2006 adopted budget for this contract is \$263,600 but the responses to the request for proposal were substantially higher, ranging from \$325,000 to \$370,000. It is noted, however, that the contractual budgeted amount has not increased since the year 1997. To help offset the costs of providing public defender services, a \$4 public defender fee is included in court costs for each case convicted in Municipal Court. By year-end 2006, it is expected this fee will generate \$255,000. Additional collections are generated through an indigent defendant co-pay fee. This revenue is expected to total \$60,000 for a total of \$315,000 generated through public defender co-pay's and court costs. With approval of this contract, the increased General Fund cost will be incorporated in the Revised Budget for Municipal Court.

The contract will be approved as to form by the Law Department.

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- Mayor Mayans
- Mayor Mayans stated that a lot of information was just given in today's presentation, which was not included in the agenda reports detailing how their decision was made, which would have been important as background information to the Council. Stated that he feels that this type of service is very important because these people do not do it for the money but do it for the passion that they have for the defense of those who cannot afford it and are the most vulnerable. Stated that it takes a special type of individual to do this and someone just out of law school does not readily have that. Stated that to him, experience means something and the fact that the City has been getting a good deal for \$263,600.00 and are going to a larger amount, is of concern to him because he believes that the service that this firm is providing currently providing this service has shown that they have been providing these services and are flexible as a team.
- Council Member Brewer
- Council Member Brewer stated that he is not so sure it is about passion but that it is about business and money and was sure that it was stated that these attorneys were coming from an experienced law firm and not directly out of law school.
- Kay Gales
- Municipal Court Administrator stated that they are experienced and would not be coming directly out of law school and in accordance with the administrative regulation, the administrative judge does have the final authority to say yes or no to those that are selected. Stated that the \$263, 600.00 is for the contract period that we are in now. Stated that the highest bidder, Suzanne Dwyer, was \$373,000.00 to provide similar services as they are doing now. They did not offer additional efficiencies either in their written proposal or in their oral presentation, whereas the firm that they are recommending did provide additional ways to be more efficient.
- Mayor Mayans
- Mayor Mayans inquired whether anyone wished to be heard.
- Suzanne Dwyer
- Ms. Dwyer stated that she is the current contractor to provide indigent defense services for the City of Wichita and she herself has been a city public defender for 11 years and they have gone to an individual contract basis and 9-10 years ago went to one contractor. Sated that the group that she has working this current contract, most of them have been city public defenders in excess of 10 years and some 16-17 years and the newest members have been for a minimum of 3-4 years under this current contract. Stated that the make up of her group has vast array of experience with regards to other law matters and other areas. Stated that the attorneys that she has under her group have combined experience of 130 years and they are former law enforcement officers, former judges and people that serve on various Wichita Bar Associations and Ethics and Grievance Committees. Stated that she finds it ironic that the services that they provide for the City currently is under two attorneys per day and that was what the prior Request for Proposal (RFP) requested. Stated that every time the City has requested them to change or expand their services, they have done so. Stated that currently their court is running as if there should be three attorneys, however, they have not asked for additional funds to do that. Stated that the night court according to the current contract is on an as needed basis and use to be once a month but has now gone to every night and they have worked with the court to try and put it on a specific schedule, the first week of the month so that they would know and would have more than one case here and there and she takes exception to this because she is the primary person that is going out there every single night that there is a night court after she has been in court all day. Stated that when the court has asked for extended services that are not under the contract, they have been there without any additional compensation. Stated that when Amnesty Week comes up, they staff those people from 7:00 a.m. to 7:00 p.m. on every Amnesty Day without any further compensation. Stated that the way they have bid their contract is based on what the RFP requested. Stated that the City came and said that they want three attorneys per day instead of two and they have been doing two for over 10 years. Stated that they have asked the City instead of opening it up for bids to tell them what they want. Stated that they have not asked for a raise and that her people are making the same amount of money today that they have received 11 years ago and the only difference is that the City has asked for requested services and decided that they did not want the public defender clients to meet with their lawyers here in the city building and that they used to have an office here and they did not want them in City Hall anymore, so they got their own office. Stated that no one takes into consideration in the bid amount, what it costs to run an office to provide these services. Stated that they are trying to conform to what the City wants, yet no one has come to negotiate with them. Stated that all of them went through interviews and there was not one bar association member on the Selection Committee and in the letter that she submitted to the City Council, there are specific guidelines with regards to the make up of a committee that should

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choose these types of providers and the purpose of this is so that we do not have the look of impropriety. Stated that on the committee were the Administrative Judge, Court Administrator and her assistant and city employees. There were no independent private counsel, law school professors, citizen group representatives and the American Bar Association (ABA) specifically states that if you are going to put together a committee, that it should have the look of impropriety and it should have people that represent the community. Stated that the judges that are in the trenches with them on a day-to-day basis were not part of it and the Administrative Judge who was present works with them the least. Stated that they have concerns that the proposal that is being recommended to the City Council today is made up of two full time attorneys and that she has provided to the Council all the authority and that the problem with that is that the ABA has specific guidelines that state that there is a limit to how many misdemeanor clients one can take. Stated that the recommended proposal has two full time people and the Council has been apprised at who those are but we do not know who else is going to be working that contract. Stated that as a contractor she takes exception to that because the RFP specifically states that the committee wants to know who is going to be working this contract. Stated that they had submitted resumes for all of her people and she went to the Disciplinary Administrator and got certificates and good standings for all of her people and provided proof of malpractice insurance because that is a requirement under this bid that everyone had at least \$100,000.00 in coverage and it is her understanding that the other bidder that was denied submitted all of that information also. So for the committee to say we are going to compare two people to a group of nine that she submitted or a group of twelve lawyers is not doing their job. Asked how are they judged against the unknown because nobody knows aside from the two attorneys who are going to do the bulk of the work under this proposal that is being submitted today. Stated that she would like to state for the record that there have been other bidders when the RFP went out and that it was stated earlier that there has not been.

Judge Jennifer Jones

Judge Jennifer Jones stated that the Council appointed her as Administrative Judge several years ago and gave her the charge to run an efficient court system. Stated that she is doing what we need to do in order to fulfill the charge that each of the Council Members gave to her in placing her in this particular position. Stated that they do have a requirement to go out for bids for the public defender contract and since she has been the Administrative Judge and in her consultation with the Court Administrator, there has never been additional applicants when the RFP went out. Stated that the last time the issue went out since she has been in her position, she knows for a fact that there were no other bidders. Stated that the process is the same now as it has been since the Council and the City Manager and legal counsel instituted the Administrative Regulations (AR). Stated that they have abided by those in fulfilling the requirements that they have to make. Stated that working with them has not been a bed of roses and that there have been issues and they have attempted to address those issues. Stated that for a while things would improve. Stated that with longevity sometimes comes complacency. Stated that typically the request from the current contractor has been that we need more money and that they cannot change the contract midstream so when the contract actually ran out, they have to go through the process of soliciting bids and they did just that as they have in previous times. Stated that they have not always had a public defender present in court when they were needed and there have been numerous times when calls have been made that go unanswered. Stated just before she came down to this morning's meeting, a judge called from a court room saying that they have a case that was preset with a public defender and nobody is here or available to do that and that there are four sitting in the Council Chambers this morning. Stated that it is her desire to run this court more efficiently and they hear constantly from the City and the jail that they need to move those people out of jail and they have a contractor that has come forward saying that they are willing to help us do that and they will go to the jail at least twice a week to talk to those who are waiting trial and those who they get letters from on a daily basis saying that they have never met their public defender and would like help scheduling their case for court. Stated that they have to have public defenders that will go there and meet with their people and prepare a case for trial. Stated that she has yet to ever receive a written motion for suppression or has yet to receive a legal brief on any instance that it might have been needed. Stated that these indigent defendants in our community deserve the same level of representation that you and I do when we go and hire our own attorney. Stated that they have not been receiving that level that she thinks they are capable of giving and they have a legal obligation as well as a moral obligation to give. Stated that she is asking the Council to trust the process that they have in place and trust this court to do what is best for the citizens in this community and that is what she is committed to doing and believes what the Court Administrator is committed to doing and will do that to the best of their ability. Stated that she feels it is imperative to all of us as citizens in the community and taxpayers to be accountable and good stewards of the taxpayer dollars. Stated that Ms. Dwyer's bid was the highest bid

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that came in under this contract and if they can receive comparable services and improved services for a less amount of money, it behooves her, the court and Council Members to look at that dollar figure.

- Mayor Mayans Mayor Mayans stated that he feels that there is more to this that is going on and he personally will not support this because he is not going to get in the middle of it. Stated that he feels that there should have been members of the public and not just staff members on the committee.
- Judge Jennifer Jones Judge Jennifer Jones stated that there was a member of the Bar Association that was on the committee and was present at the first meeting where all of the written documents were reviewed and on the date of the interviews, he was sick and they asked him if he would like them to set these over to give him the opportunity to be present and he said to go ahead and proceed and that he would be comfortable with whoever is chosen. Stated that he knows everyone that has applied for the contract and felt the need to defer to the rest of the Committee.
- Council Member Skelton Council Member Skelton stated that he has questions regarding the make up of the committee and if it is something that is required by law or a city ordinance and should the membership have been composed of certain people.
- Judge Jennifer Jones Judge Jennifer Jones stated that it is not the law and the information as she understands it is a model that the ABA puts out and they are not really relevant to them. Stated it is simply a model and there is no law that she is aware of that would bind the City of Wichita to uphold those model rules as set forth by the ABA.
- Gary Rebenstorf Director of Law stated that he agrees with Judge Jones on that point and from the standpoint of the ABA guidelines, that is just what they are, they are guidelines and are not mandatory. The City Council has not adopted those guidelines and when the Council has reviewed the indigent defense services issue before, an ordinance was issued, which authorizes the process that we have. It says to follow the administrative processes of the City and also allows the contract to be entered into by the court for purposes of providing indigent defense counsel, subject to budget limitations established by the Governing Body of the City. Stated that the process that was followed is done pursuant to city ordinance and administrative regulations that are required to be followed by city ordinance. Stated that the ABA regulations are nice to have, they also have regulations for prosecutors and for judges and municipal courts and if we followed those they would have about three times more prosecutors than judges then we have at the present time. Stated they are just guidelines and are not mandatory.
- Mayor Mayans Mayor Mayans asked if there is anything in writing regarding the comments made earlier that the work is not being done. Asked if there are records of an evaluation from previous years where these things are noted.
- (Council Member Martz momentarily absent)
- Judge Jennifer Jones Judge Jennifer Jones stated that there has been no evaluation but there has been communication and probably records, e-mails, letters of concern and there have been meetings and notes have been taken pertaining to those issues and they get together and address those issues and things go well for awhile and then go back to the way they were.
- Mayor Mayans Mayor Mayans stated that it is important that those things are written down and people are evaluated so that the Council knows as they make their decisions because otherwise it is hearsay. Stated that if we have had that many complaints why was a change not made and we kept using the same people.
- (Council Member Schlapp momentarily absent)
- Judge Jennifer Jones Judge Jennifer Jones stated that they never had any options and have had one bidder and that they have to have attorneys by law.
- Mayor Mayans Mayor Mayans stated that the Council does not know what the contract is going to look like and does not know if the things that have been said that they will do extra, will even be in the contract because the contract comes after we vote. Stated the Council did not get a copy of the contract to the agenda report because the contract is not negotiated until later.

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- Judge Jennifer Jones Judge Jennifer Jones stated that she thinks the RFP sets forth what they are requesting them to do and further contract negotiations will come after the Selection Committee, in accordance with the Administrative Regulation, to make that selection and then recommend a provider or a vendor to the Council. Stated that if the Council is used to doing contracts in advance, this is the first time that she has become aware of that. Stated that they have a court system that they have to run and have to have indigent defense counsel and they have had them and there is room for improvement and they have another option and they did not totally exclude Ms. Dwyer or anybody else. Stated that everyone was given the same amount of respect and review and thorough review of their proposals and they felt that they picked one that would meet their needs in a suitable fashion and the citizens of this community would receive the type of legal representation that they deserve.
- Kay Gales Court Administrator stated as far as the contract is concerned, there is wording in their contracts that not only the RFP will become part of that but the response to the proposals, so if Ms. Maughan's firm say that they are going to do specific things, that is a part of the contract.
- Council Member Fearey Council Member Fearey stated that she thinks the City Council gets a copy of all RFP's that are going out and she is assuming that someone was invited to sit on this and she was comfortable with the process or she would have asked to serve on that committee to make sure that she felt everything was okay and that there are two Council Members that work with the courts and she is going to assume that they felt comfortable with the process also or they would have asked to have served on the committee.
- Council Member Brewer Council Member Brewer stated that we have a process and a committee in place for the purpose of making that decision for the Council. Stated that we put an administrative judge in place and there is no doubt that she has been doing an outstanding job and the committee has worked at the best of their ability to make a good solid sound decision as to what is in the best interest of the City and the best interest of the taxpayer's dollars. Stated that he feels that the Council needs to go ahead and support that committee's recommendation but if there are things that the Council feels that need to be in place, then we need to sit down with that committee and tell them that we think these things need to be included in preparation for the next time. Stated that he is comfortable with the committee's decision and felt uncomfortable with anytime you have individuals that are interested in being able to apply for an RFP and are not successful that they have the luxury of coming back and debating with the Council on it and arguing your case to the Counsel. Stated that if there is something blatantly wrong then it needs to be addressed immediately and correct it but if there are no laws being broken and the citizens are being taken care of and the taxpayer's dollars are being spent wisely, then he feels that we are fine and thinks that the Council should support staff's recommendation.
- Mayor Mayans Mayor Mayans stated that it is the Council's job as the representatives of the people to ask the questions that we are asking and has nothing to do with whether we trust staff and the committee. Stated that it is in our democratic form of government and that dissention is a good thing. Stated that he has never had any problem with anyone questioning staff because that is our job and we have to have checks and balances. Stated that there is another way out and that is to not agree with the recommended action and reopen the bids again. Stated that there have been enough issues raised on this topic that he will not support this because he does not feel that it is the proper thing to do.
- Peter Hagen Mr. Hagen stated by having this discussion this morning it is putting them at odds with Judge Jones and when they sent the Council copies of the ABA guidelines, they also included from 1993 the guidelines that are still in effect from the Kansas Bar Association (KBA), which talks about the makeup of the committee, which he feels is huge. Stated that way they do not have a conflict with Judge Jones and the committee should be made up of as it points out, none of the judges. Stated there should also not be a police officer, prosecutor and tells you exactly why. Stated that it has been stated earlier that the KBA guidelines are just recommendations and do not count for anything, which is a big concern to him. Stated that his second concern is that Judge Jones mentioned that she has addressed a lot of complaints with them and for the last three years she has sent three e-mails about a missed night court. Stated that he has asked Judge Jones if she has had any problem with their services and if they need to do anything additional and the answer has been no that they are doing great. Stated that she brings up the possibility about money and Judge Jones wanted this new drug court program and wanted someone additional to come in every afternoon of the week and he told her that they do not have anymore money to provide that service and she said told them that they have plenty of money. Stated that the last year she has

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been negotiating with them trying to get them to do things that are not in their original contract. Stated that the night courts state on an as needed basis on their contract and starting January of last year she wanted them to be there every night. Stated that they went there every night and Judge Ratner told them that they do not need to be there every night and would let them know when they need to be there. Stated that the way this new firm is proposing is to put two full-time public defenders in play, which is how they have cut the contract and the third, is going to be a contractor. Stated that they will be doing two-thirds of the cases and the guidelines say that the maximum KBA is suppose to be 300-400 misdemeanor cases per year, full-time basis for a full-time attorney. Stated that if the full-time public defender has this person working full-time they will be representing about 1,800 cases a year, which is more than four times what the recommended maximum level is. Stated that Judge Jones stated that they do not meet with who is in custody, but they do not know who they are. Stated that the courts will set them for trial and then they will have some that might plea that they give to them to handle. Stated that he has asked the courts to give them a docket of the people that are in there, he will go and see them all. Stated that they have told them that they would be happy to do it two times a week and whatever it takes and not increasing their contract. Stated that we all want to be fair and they do not believe that this process has been fair and asked that the Council do the right thing and take a good look at this and see that they all have the same opportunity.

- Mayor Mayans Mayor Mayans asked if there would be an objection to not approve the vendor and to instruct staff to reopen negotiations.
- Council Member Brewer Council Member Brewer stated that he would object to it and thinks that we need to move on.
- Mayor Mayans Mayor Mayans stated that he is not going to make the motion to approve this because he does not feel that it is the right thing to do.
- Council Member Fearey Council Member Fearey stated that she is ready to move forward with this because she does not feel that we want to get to fighting every RFP that goes out, unless we want to take on doing the RFPs and she does not want to do that. Stated that she feels that we do have a good staff and that they know what they are doing and feels that it is inappropriate to be trying to fight this out with the Council Members and that we have a process that has served this City well for many years.
- Motion-- Brewer moved that the vendor Maughan Hitchcock, LC be approved as the Indigent Defense Service Provider, staff authorized to negotiate the contract with a not to exceed dollar amount of \$317,000 and the necessary signatures authorized.
- Council Member Gray Council Member Gray stated that he has heard a lot of speculation and that there is more to this than what meets the eye and it is unfortunate that he is being asked to make a decision without having more information as to what these underlying issues are. Stated that if money is not the reason we are making this decision, then he would like for someone to explain to him what those other reasons are. Stated that he does not feel that he was sufficiently given those explanations. Stated that the Administrative Regulations that we have is a good process but is it the best process, he does not know and is not suggesting that outright changes need to be made to it, but the fact that it is a process and are not black and white to the point that they apply to 100% of every instance out there. Stated that it is not out of line for the Council to question staff's recommendation and agrees with Council Member Fearey, that we should not fight out every RFP case in the Council office but on occasion we should probably fight out some of them because no process is perfect and if the Council goes by just those recommendations, then what are we here for. Stated that so little information was handed to him before today that he does not feel comfortable with making a decision with such an overwhelming amount of information presented to him today. Stated that he does not have the opportunity to abstain from the vote and does not feel comfortable with approving it so the only option left for him is to vote against it.
- carried Motion carried 5 to 2, (Nays-Gray and Mayans).

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PLANNING AGENDA

Motion--
--carried

Mayans moved that the Planning Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

SUB2003-91

SUB2003-91-PLAT OF GREENWICH PLAZA ADDITION, LOCATED ON THE SOUTHWEST CORNER OF 31ST STREET SOUTH AND GREENWICH ROAD. (COUNTY)

Agenda Report No. 06-0523

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat (7-2). The two negative votes by the Planning Commissioners reflect concerns regarding the assessment for traffic signalization.

This site, consisting of two lots on 8.2 acres, is located within three miles of Wichita's city limits. This site is zoned LC, Limited Commercial.

A petition for paving and drainage improvements will be handled by the County. Other petitions, 100%, have been submitted to the City for future sewer and water improvements. Both a City and County Certificate of Petitions have been submitted. Since sanitary sewer and municipal water is not available to serve this property, County Code Enforcement has approved the use of on-site sewerage and water wells.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions (City) will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 06-224

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90183 (west of Greenwich, south of 31st Street South) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-226

Resolution of findings of advisability and resolution authorizing construction of Lateral 395, Four Mile Creek Sewer (west of Greenwich, south of 31st Street South) 468-84166, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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DED2006-11

DED2006-11-DEDICATION OF A PUBLIC UTILITY EASEMENT AND DED2006-12-DEDICATION OF STREET RIGHT-OF-WAY, LOCATED NORTH OF 29TH STREET NORTH AND WEST OF SENECA. (DISTRICT VI)

Agenda Report No. 06-0524

Staff Recommendation: Accept the Dedications.

These Dedications are associated with a lot split case (SUB 2006-31). The Dedications are for construction and maintenance of public utilities and for street right-of-way along Woodrow.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

DR2006-06

DR2006-06-AMENDMENTS TO THE WICHITA SEDGWICK-COUNTY SUBDIVISION REGULATIONS-APPLICABILITY AND EXCEPTIONS.

Agenda Report 06-0525

Staff Recommendation: Approve the amendments.

MAPC Recommendation: Approve amendments. (11-0)

The amendments, prepared by Sedgwick County's Legal Department, involve a restructuring of Sections 3-104 and 3-105. They will allow the zoning administrators (Superintendent of Central Inspection - City, and Director of Sedgwick County Code Enforcement - County) more discretion in regards to waiving platting requirements for individual cases.

The amendments will allow the zoning administrators (Superintendent of Central Inspection-City and Director of Sedgwick County Code Enforcement-County) more discretion in regards to waiving platting requirements for individual cases.

The amendments will affect properties both inside the city limits and in the unincorporated area of Sedgwick County. The City Council and the Sedgwick County Commission will need to approve the amendments in order for them to be in full effect. Both the City and County Legal Departments have reviewed the amendments and approved the form for the respective adopting Ordinance and Resolution.

Motion--
--carried

Mayans moved that the amendments to the Wichita-Sedgwick County Subdivision Regulations be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending the "Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition," as adopted by reference in City of Wichita Code Section. 28.05.010, introduced and under the rules laid over. (DR2006-06).

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AIRPORT AGENDA

Motion--
--carried

Mayans moved that the Airport Consent items be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

LAND ACQUIS.

LAND ACQUISITION, COLONEL JAMES JABARA AIRPORT.

Agenda Report No. 06-0526

Tracts of land adjacent to Airport Authority-owned land have been identified in the Airport Master Plan to be acquired to allow airfield pavements and tenant development on the east side of the airfield. Land acquisition has been included in the 2006 CIP.

Prior to an offer to purchase the land, it is necessary to incur preliminary costs such as appraisals, surveys and environmental assessment fees. The property pre-acquisition process is handled through the City of Wichita Property Management Division in accordance with AR 47 and Federal regulations.

The pre-offer expenses related to tracts adjacent to Colonel James Jabara Airport are estimated to be \$35,000. A portion of the costs will be eligible for reimbursement under the Federal AIP grant program. The remainder will be funded with General Obligation Bonds, paid by airport revenues.

The Law Department has approved the Authorizing Resolution as to legal form.

Motion--
--carried

Mayans moved that the project budget for pre-offer expense be approved and the resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. A-06-007

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to the Wichita Colonel James Jabara Airport facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ROOF REPLACEMENT **ROOF REPLACEMENTS, WICHITA MID-CONTINENT AIRPORT.**

Agenda Report No. 06-0527

The 2006 Capital Improvement Program (CIP) includes roof replacements.

Several roofs have been identified in the roof replacement program. A portion of the Terminal Building roof as well as roofs on the maintenance facility and two tenant-occupied facilities will be designed for replacement.

Solicitations for professional services were issued and no responses were received. The airport staff negotiated a contract with Howard and Helmer Architects who have performed this type of work on previous Airport roof replacement projects.

The contract for design and bidding services is \$65,862. A project budget of \$700,000 is requested and will be funded with General Obligation Bonds funded with Airport Revenue.

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The Law Department has approved the contract and the Authorizing Resolution as to form.

Motion--
--carried

Mayans moved that the project budget be approved; the resolution adopted; the contract approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. A-06-008

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to the facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

There were no appointments made.

RECESS

Motion--

Mayans moved that the City Council recess into Executive Session at 11:40 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation and legal advice and that the Council return from Executive Session no earlier than 12:00 p.m. and reconvene in the City Council Chambers on the First Floor of City Hall. Motion carried 7 to 0.

--carried

RECONVENED

The City Council reconvened in the City Council Chambers at 12:05 p.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 12:05 p.m. to adjourn the executive session. Motion carried 4 to 0, (Brewer, Fearey and Martz were not present).

Motion--carried

Mayans moved at 12:06 p.m. to adjourn the regular meeting. Motion carried 4 to 0, (Brewer, Fearey and Martz were not present)

ADJOURNMENT

The City Council adjourned at 12:06 p.m.

****Workshop followed in the MAPC 10th Floor Planning Conference Room at 1:30 p.m.****

Respectfully submitted,

Karen Sublett CMC
City Clerk